

RESOLUTION 30-2004
Madison County AIA Resolution

WHEREAS the Board of County Commissioners for Madison County, in accordance with § 67-4-201, MCA, designated an airport influence area around the Ennis-Big Sky Airport and around the Twin Bridges Airport on August 18, 2003;

WHEREAS maps of the designations (Sheets A) are ready to be filed with the Madison County Clerk and Recorder and with the city clerks of Ennis and Twin Bridges;

WHEREAS the use of land, excepting existing nonconforming uses, within the airport influence areas has been restricted as to height consistent with part 77, federal aeronautics regulations, since August 18, 2003;

WHEREAS Madison County has been developing its own airport influence area criteria, guidelines and rules since the designation of the airport influence area;

WHEREAS Madison County is informed the 2005 Montana State Legislature will be considering a revision to Chapters 4, 5 and 6 of Title 67, the basis for the current draft criteria, guidelines and rules;

WHEREAS it is in the best interest of Madison County to wait until after the 2005 Legislature has acted, to adopt its airport land use regulations;

NOW, THEREFORE, IT IS HEREBY RESOLVED, to promote public safety, the federal obstruction standards contained in 14 CFR Chapter 1, Parts 77.21, 77.23 and 77.25 as shown in the current FAA-approved Airport Layout Plan for the Ennis-Big Sky and the Twin Bridges airports, are incorporated by reference, adopted by Madison County as its rules and will be in effect for the airport influence areas until Madison County adopts airport land use regulations after the 2005 legislative session, but in any event no later than one year from the adoption of this Resolution.

IT IS FURTHER RESOLVED, until airport land use regulations are adopted by Madison County, after the 2005 legislative session, the provisions of Title 67, Chapter 4, sections 67-4-311 through 67-4-402 are incorporated by reference and will serve as the procedures for the airport influence areas rules adopted by reference above. Requests for permits will be submitted to the Madison County Planning Department, a board of airport hazard adjustment will be appointed by the Board of County Commissioners of Madison County and all variance requests shall be submitted to that board.

IT IS FURTHER RESOLVED, in the meantime any requested uses in the airport influence area which exceed the obstruction standards in the above-referenced sections of part 77 and in part 77.13 must also be presented to the Board of County Commissioners of Madison County, and not be constructed until reviewed by the Federal Aviation Administration and approved by the Board.

IT IS FINALLY RESOLVED, until airport land use regulations are adopted by Madison County, after the 2005 legislative session, no structure shall be constructed or trees allowed to grow in the designated airport influence areas which shall jeopardize the use of improvements funded by the Federal Aviation Administration, the Montana Aeronautics Division of the Department of Transportation or Madison County, or improvements to be funded by the same.

APPROVED BY THE BOARD OF COMMISSIONERS THIS 13TH DAY OF SEPTEMBER, 2004.

C. TED COFFMAN, CHAIRMAN

FRANK NELSON

DAVID SCHULZ